

Playing politics with Schengen



[Polly Pallister-Wilkins](#), 16 July 2011

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The European Commission has been at the forefront of criticism of France and Denmark for re-introducing border controls. This was not because they in fact threatened Schengen but because such decisions undermine the Commission's power as the executive of Europe, argues Polly Pallister-Wilkins

The suspension of Schengen and subsequent threats by the Danish government to permanently re-introduce customs controls at their borders have led some policy analysts and media outlets to declare the end of the Schengen Agreement. Given the importance of free-movement to the European idea and coupled with the crisis in Greece and concern over the future of the single currency, some have even declared that the EU itself is under threat. The idea that the EU could be considered so fragile considering its socio-economic and institutional embeddedness throughout the region is laughable and the current panic over member states assertion of their sovereignty by suspending the Schengen Agreement is erroneous. The suspension of the Schengen Agreement is nothing either new or unusual.

Cataclysmic predictions about the end of Schengen have seen members of the Commission desperately trying to allay fears over migration and a possible end of Schengen while at the same time trying to boost the institutional capacity of the Union to deal with migration management issues within pre-existing border policies. European Commission President [José Manuel Barroso](#), in a [speech](#) delivered 21 June in Brussels, paid credence to the fear-mongering in some quarters of the European press saying:

I have read many articles suggesting that the Schengen principles of free movement are being undermined. I don't agree and I think that we are going to see exactly the opposite. We are going to see (at the Council Meeting) a reinforcement of the European approach to migration and also to the free movement (sic).

Meanwhile, Home Affairs Commissioner [Cecilia Malmström](#) has been [sternly warning](#) Denmark that any decision to permanently re-introduce controls on their border "could be in breach of obligations assumed by Denmark under EU and international law."

Importantly the Commission has been criticising such fear-mongering and unilateral action, while secretly aiming to capitalise from it. Judging from the frantic activity over this issue within the corridors of Brussels in the last few weeks one would think this was the first time the Schengen Agreement had been suspended by member states in the sixteen years since it was implemented.

It was not. The EU does not keep records of the number of times Schengen has been suspended by member states as such decisions are somewhat at odds with the image that EU likes to project of itself. Individual member states have always had the power to suspend Schengen for specific reasons and for set periods of time. Between 1995 and Denmark's reintroduction of border controls on 11 May, I have counted 67 separate occasions that Schengen member states have temporarily suspended freedom of movement and have re-introduced border controls. Schengen as both a concept and a policy therefore is not what it has seemed historically or, importantly how the Commission itself has recently presented it.

Thus, Schengen's popularity and success is not at issue but what is important to remember is that member states have always had the power to assert their sovereignty and reintroduce controls on their own borders. What has bothered the Commission about recent developments therefore is twofold:

1. The decisions to suspend Schengen were taken with no fixed timeline for when free-movement would be reinstated.
2. Such decisions were taken at a time when the Commission was trying to consolidate and strengthen existing EU border policies and implement policies that will ensure any future decisions to suspend Schengen will take place at the EU level.

Thus the Commission was bothered by recent events, not because they in fact threatened Schengen and all it stood for in the success of the EU as a liberal project, but because such decisions threatened to undermine the Commission's plans and conversely the Commission's power as the executive of Europe. As Borroso [said](#) on 21 June concerning recent events and the Commission's plans for border policy reform:

Let me be crystal clear: this is not a rollback of the abolition of internal borders. This is a way of strengthening the European dimension of the system so that individual Member States do not feel pressured into acting unilaterally.

Any panic that has been generated over increased migration and member states' unilateral decisions have strengthened the Commission's position and been exploited to ensure further consolidation and implementation of Schengen on the Commission's terms.

A conclusion that would seem to stand up to scrutiny. At the close of the recent Council Meeting Malmström [concluded](#) that:

On migration a lot of the things that me and my colleagues have been working on during this spring are to be found in the [Council Conclusions](#).

So it seems the Commission has got what it wanted: the strengthening of Schengen. But even more importantly the Commission has been given the go ahead to draw up plans for a temporary mechanism for the reintroduction of border controls, implementation of which will be governed at European level thus avoiding unilateral action on the part of individual member states and ensuring the continued power of the European executive.